

AUG 30 2021

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
47-8278	Yes ☐	Yes ☐		Yes ☐	Yes ☐
47-12904	Yes ☐	Yes ☐		Yes ☐	Yes ☐
47-12905	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Phoenix Dairy LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Moon Valley Development, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 428 S 200 W Rupert ID 83350
Mailing address City State ZIP
- 208-420-7478 rwduch@hotmail.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 7/14/2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: [Signature] Owner/lessor 8-27-2021
 Signature of new owner/claimant Title, if applicable Date
- Signature: _____
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by JB Date 8-31-21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

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47-8278	Yes ☐	Yes ☐		Yes ☐	Yes ☐
47-12904	Yes ☐	Yes ☐		Yes ☐	Yes ☐
47-12905	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Phoenix Dairy LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Over the Moon Operating Company LLC *corrected*
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 428 S 200 W Rupert ID 83350
Mailing address City State ZIP
208-420-7478 rwdutch@hotmail.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
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 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] member 1-10-2001
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

RECEIVED

Form 42-248/42-1409(6) Rev. 1/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 21 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

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47-12905	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Phoenix Dairy LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Over the Moon Operating Company LLC
New owner(s) as listed on the conveyance document
- 428 S 200 W
Mailing address
208-420-7478
Telephone
- Rupert
City
rwdutch@hotmail.com
Email
- Name connector ☐ and ☐ or ☐ and/or
ID 83350
State ZIP
4. If the water rights and/or adjudication claims were split, how did the division occur?
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o No fee is required for pending adjudication claims.
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☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Luke D. Dixon, Trustee 7/16/2021 | 11:49 AM
Signature of new owner/claimant Title, if applicable Date

Signature: Ryan Mallett, Member 7/16/2021 | 10:37
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 21 2021

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DEPT OF WATER RESOURCES
SOUTHERN REGION

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47-12904	Yes ☐	Yes ☐		Yes ☐	Yes ☐
47-12905	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Phoenix Dairy LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Over the Moon Operating Company LLC
New owner(s) as listed on the conveyance document
- 428 S 200 W
Mailing address
- 208-420-7478
Telephone
- Rupert
City
- rdwutch@hotmail.com
Email
- Name connector ☐ and ☐ or ☐ and/or
- ID 83350
State ZIP
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8. Signature: [Signature] member 7-16-2021
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by P. SKINNER Date 7/21/2021 Receipt No. 5038721 Receipt Amt. \$75.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____



WARRANTY DEED

Alliance Title & Escrow, LLC Order No.:546720

FOR VALUE RECEIVED

Phoenix-Dairy, L.L.C, an Idaho Limited Liability Company also shown of record as Phoenix-Dairy, LLC

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Moon Valley Development, LLC, an Idaho Limited Liability Company

whose current address is

**2066 E. 400 S.
Hazelton, ID 83335**

the grantee(s), the following described premises, in Twin Falls County, Idaho, TO WIT:

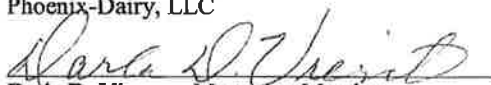
SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 13, 2021

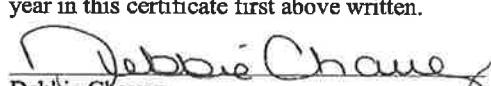
Phoenix-Dairy, LLC


Darla D. Vierstra, Managing Member

State of Idaho} ss
County of Twin Falls}

On this 19th day of July, 2021, before me, Debbie Chavez, a Notary Public in and for said state, personally appeared Darla D. Vierstra known or identified to me to be the Managing Member in the Limited Liability Company known as Phoenix-Dairy, LLC who executed the foregoing instrument in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Debbie Chavez
Notary Public for the State of Idaho
Residing at: Kimberly, ID
Commission Expires: 05-16-2023

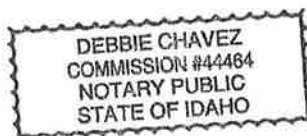


EXHIBIT "A"

546720

Parcel No. 1

Township 10 South, Range 16 East of the Boise Meridian, Twin Falls County, Idaho,
Section 14: A portion of the West half of the Southeast Quarter described as follows;

Commencing at the southeast corner of said section 14 that is marked by a railroad spike, from which the south quarter corner of said section 14 bears N89°20'22"W, a distance of 2631.02 feet,
Thence along the South Line of the Southeast Quarter of said Section 14 N89°20'22"W, a distance of 1594.51 feet to a point, said point being the TRUE POINT OF BEGINNING for this description;

Thence continuing along said South line N89°20'22"W, a distance of 1036.51 feet to the South Quarter Corner of said section that is marked by an 5/8" rebar with aluminum cap PLS 10110;

Thence departing said South line, along the North / South center of section line N00°18'16"E a distance of 2647.62 feet to the center of section marked by an 5/8" rebar with aluminum cap PLS 10110;

Thence departing said North / South center of section line, along the East / West center of section line S89°23'24"E, a distance of 1320.97 feet to its intersection with the 1/16th line of said Section 14;

Thence along said 1/16th line S00°25'22"W, a distance of 2177.75 feet to a point;

Thence departing said 1/16th line N 89°20'22"W, a distance of 279.00 feet to a point;

Thence S00°25'22"W, a distance of 471.00 feet to the POINT OF BEGINNING;

Parcel containing 77.12 acres

Parcel No. 2

Township 10 South, Range 16 East of the Boise Meridian, Twin Falls County, Idaho,
Section 14: A portion of the West Half of the Southeast Quarter described as follows;

Commencing at the southeast corner of said section 14 that is marked by a railroad spike, from which the south quarter corner of said section 14 bears N89°20'22"W, a distance of 2631.02 feet,
Thence along the South Line of the Southeast Quarter of said Section 14 N89°20'22"W, a distance of 1315.51 feet to its intersection with the 1/16th line, said point being the TRUE POINT OF BEGINNING for this description;

Thence continuing along said South line N89°20'22"W, a distance of 279.00 feet to a point;

Thence departing said South line, N00°25'22"E, a distance of 471.00 feet to a point;

Thence S89°20'24"E, a distance of 279.00 feet to a point on the 1/16th line of said Section 14;

Thence along said 1/16th line S00°25'22"W, a distance of 471.00 fee to the POINT OF BEGINNING;

Parcel containing 3.02 acres

Parcel 3

Township 10 South, Range 16 East of the Boise Meridian, Twin Falls County, Idaho,
Section 14: A portion of the east half of the southeast quarter described as follows;

Commencing at the southeast corner of said section 14 that is marked by a railroad spike, from which the south quarter corner of said section 14 bears N89°20'22"W, a distance of 2631.02 feet,
Thence along the South Line of the Southeast Quarter of said Section 14 N89°20'22"W, a distance of 736.79 feet to a point, said point being the TRUE POINT OF BEGINNING for this description;



Thence continuing along said South line $N89^{\circ}20'22''W$, a distance of 578.72 feet to its intersection with the 1/16th line;

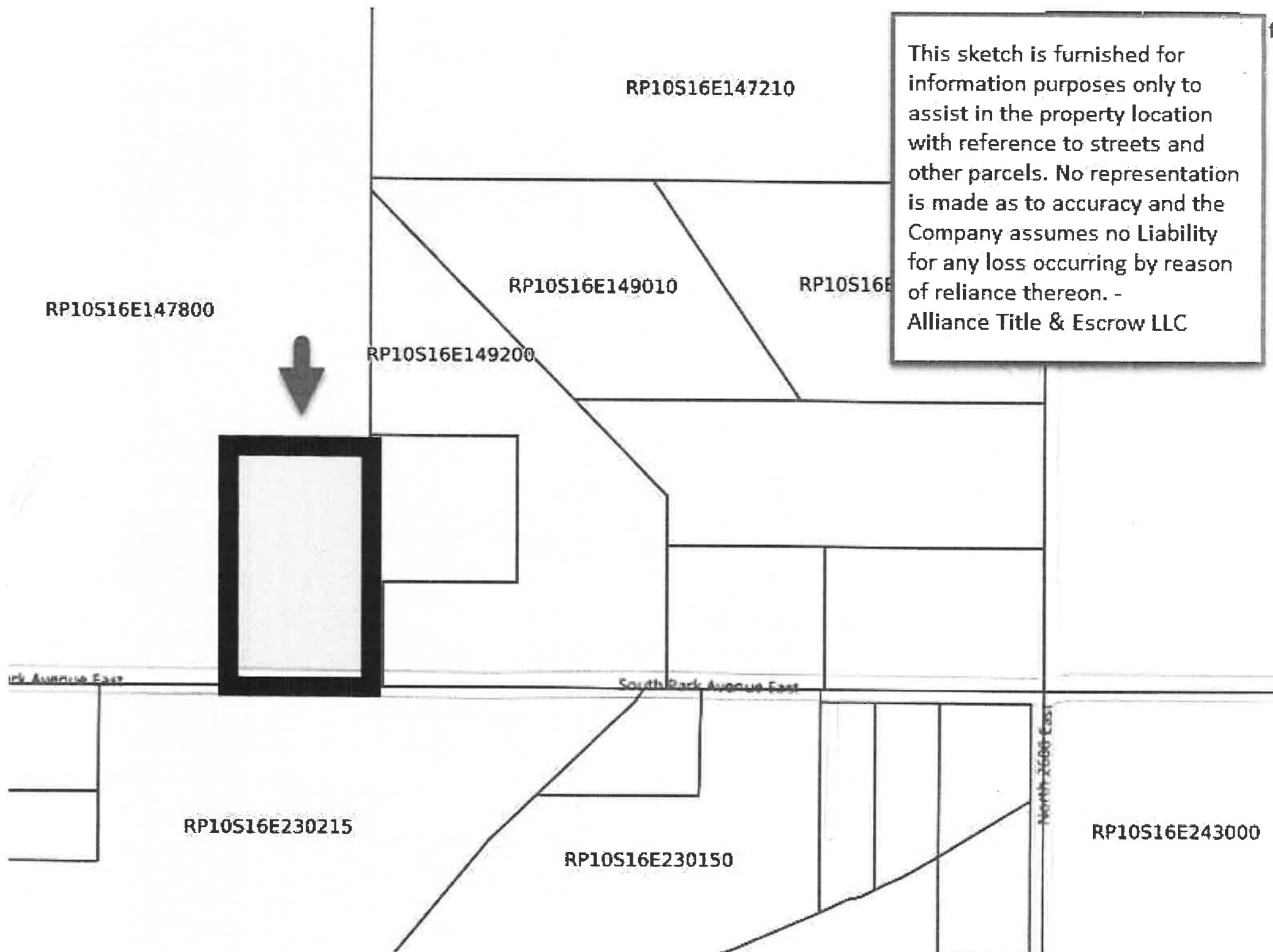
Thence along said 1/16th line $N00^{\circ}25'22''E$ a distance of 968.20 feet to a point;

Thence $S43^{\circ}58'31''E$, a distance of 827.16 feet to a point;

Thence $S00^{\circ}25'22''W$, a distance of 379.60 feet to the POINT OF BEGINNING;

Parcel containing 8.95 acres

A handwritten signature or set of initials, possibly "D. J.", in dark ink.



This sketch is furnished for information purposes only to assist in the property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no Liability for any loss occurring by reason of reliance thereon. - Alliance Title & Escrow LLC

RP10S16E147800

RP10S16E147210

RP10S16E149010

RP10S16E149200

South Park Avenue East

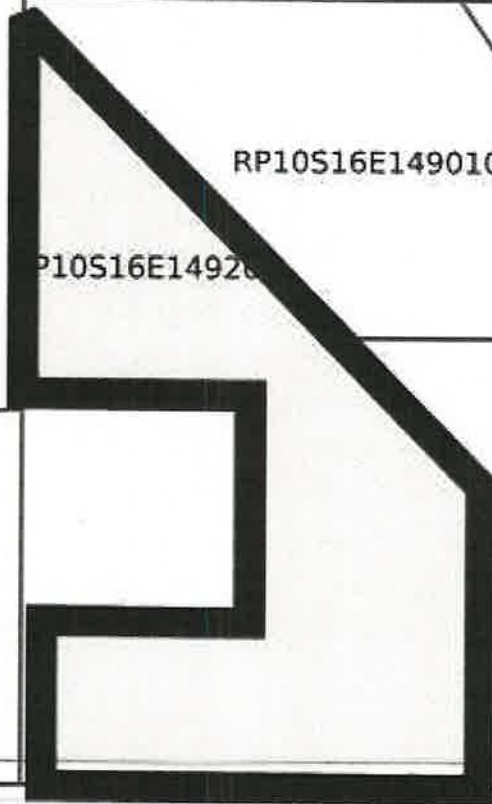
South Park Avenue East

North 2600 East

RP10S16E230720

RP10S16E230215

RP10S16E230150



This sketch is furnished for information purposes only to assist in the property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no Liability for any loss occurring by reason of reliance thereon. -
Alliance Title & Escrow LLC

RP10S16E144200

RP10516E141215

RP10S16E141220

RPO110

RP10516E144810

RP10S16E147800

RP10S16E147210

RP10S16E135400

RP10S16E134800

RP10S16E230215

RP10S16E243000

RP10516E242405

RP10S16E230035

North 15th St. Road

2128 Hwy Blvd

2537 Clements, Michigan

August 2000 Page

South Park

~~South Park Avenue VI~~

RP10S16E149350

RP10S16E14

18900

South Park Avenue East



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2021

MOON VALLEY DEVELOPMENT LLC
428 S 200 W
RUPERT ID 83350-9665

Re: Change in Ownership for Water Right No(s): 47-8278, 47-12904, 47-12905. Cannot process
Change of Ownership for Right 47-12906

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Please note, Rabo Agrifinance LLC is identified as a security interest holder on these water rights. If this is no longer correct, it can be removed from the rights upon written notice from the security interest holder that the interest has terminated.

Also note, rights 47-12904 and 47-12905 currently identify Travis L. Thompson of Barker, Rosholt, & Simpson, LLP as the attorney. If this is no longer correct, the Department can remove and/or update the attorney on the water rights with your written authorization. Identifying an attorney on a water right is not required, but will ensure that they receive copies of any correspondence related to that water right.

Additionally, the change in ownership for water right 47-12906, which was listed on the original Notice of Change in Water Right Ownership (Notice), cannot be processed because none of the conveyance documents submitted demonstrate ownership of land to which 47-12906 is appurtenant. All of the conveyance documents convey land in Section 14, T10S, R16E, while 47-12906 is appurtenant to land in Section 23, T10S, R16E. Because the Department cannot process the Notice without the proper documentation, we will hold any action on that Notice pending receipt of the additional conveyance document(s). If we do not receive the material within 30 days we will return your Notice and all attachments and your Notice will not be processed.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9909.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Bitzenburg", with a stylized, flowing script.

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: Alliance Title and Escrow, Twin Falls- File #546720; Rabo Agrifinance, LLC; Travis Thompson- Barker, Rosholt, & Simpson, LLP



RECEIVED

AUG 30 2021

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 27, 2021

Idaho Department of Water Resources
650 Addison Ave W. Suite 500
Twin Falls, ID 83301

File No.: 546720
Phoenix Dairy LLC / Moon Valley Development, LLC

Hello,

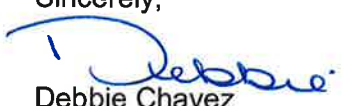
Please find attached a Notice of Change to correct "New Owner(s)/ Claimant to:
Moon Valley Development, LLC

I have also attached a copy of the recorded Warranty Deed and a voided copy of the
earlier Notice of Change we are correcting.

The filing fee was previously provided to your office.

Thank you for your assistance in this matter

Sincerely,



Debbie Chavez

Alliance Title & Escrow, LLC

Locust Grove Business Park, 1411 Falls Ave. E, Ste. 1315
Twin Falls, ID 83301

Phone: (208)733-8014 Fax: (208)734-1420

Yes, it matters where you close.



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 20, 2021

MOON VALLEY DEVELOPMENT LLC
428 S 200 W
RUPERT ID 83350

RE: Water Right No(s): 47-12906, Change in Ownership

Dear Interested Party:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice). Our review of your Notice indicates that none of the conveyance documents submitted with this Notice, nor the Notice submitted by Over the Moon Operating Company, LLC convey any property associated with the above right to Moon Valley Development, LLC. The conveyance documents do convey the land to which rights 47-8278, 47-12904, and 47-12905 are appurtenant, to Moon Valley Development, LLC. Those rights are not listed on the Notice submitted by Moon Valley Development, LLC. If the intent is to have the three rights conveyed to Moon Valley Development, LLC, then a new form with those rights shown should be submitted. Right 47-12906 is appurtenant to land in the NWNW of Section 23, T10S, R16E and none of the conveyance documents submitted by either Notice conveyed land in Section 23.

Additionally, there is an Application for Permit to Divert Water (47-8353), in the name of Phoenix Dairy, that is currently being held pending the withdrawal of the moratorium on new applications for consumptive uses of water. This Application could be conveyed by completing an Assignment of Application for Permit which can be found on the Department's website at: <https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/assignment-of-application-for-permit.pdf>.

Because the Department cannot process the Notice without the proper documentation, we will hold any action on your Notice pending receipt of the additional conveyance document(s). If we do not receive the material within 30 days we will return your notice and all attachments and your notice will not be processed.

If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

CC: Over the Moon Operating Company, LLC; Rabo Agrifinance, LLC; Alliance Title & Escrow



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 20, 2021

OVER THE MOON OPERATING CO LLC
428 S 200 W
RUPERT ID 83350

RE: Water Right No(s): 47-8278, 47-12904, and 47-12905 Change in Ownership

Dear Interested Party:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice). Our review of your Notice indicates that none of the conveyance documents submitted with this Notice, nor the Notice submitted by Moon Valley Development, LLC convey any property associated with the above rights to Over the Moon Operating Company, LLC. The conveyance documents do convey the land to which the three rights are appurtenant, to Moon Valley Development, LLC. Possibly there is another deed which conveys the ground from Moon Valley Development, LLC to Over the Moon Operating Company, LLC? We will need to have the proper documentation in order to process the Notice.

Additionally, there is an Application for Permit to Divert Water (47-8353), in the name of Phoenix Dairy, that is currently being held pending the withdrawal of the moratorium on new applications for consumptive uses of water. This Application could be conveyed by completing an Assignment of Application for Permit which can be found on the Department's website at: <https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/assignment-of-application-for-permit.pdf>.

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If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

CC: Moon Valley Development, LLC; Rabo Agrifinance, LLC; Alliance Title & Escrow



RECEIVED
JUL 21 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

July 20, 2021

Idaho Department of Water Resources
650 Addison Avenue West, Suite 500
Twin Falls, ID 83301

File No.: 546720

Please find attached the following:

- (X) Check in the amount of \$100.00
- (X) Notice of Change in Water Right Ownership (4 Claim Numbers)
- (X) Plat Map for the 4 tax parcels
- (X) Recorded Deeding

Sincerely,

Debbie Chavez

Alliance Title & Escrow, LLC

Locust Grove Business Park, 1411 Falls Ave. E, Ste. 1315

Twin Falls, ID 83301

Phone: (208)733-8014 Fax: (208)734-1420

Yes, it matters where you close.